

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Almond Tree Hulling Co.; Arakelian Farms;  
Baugher Ranch; Beretta Property Management;  
Campos Brothers Farms; Central California  
Almond Growers Association; Central Valley  
Almond Association, Inc.; CF Koehen & Sons,  
Inc.; Dairyland Hullers; Farmers Cooperative;  
Harriet Baldwin; Harris-Woolf Almond Huller;  
Hashem Naraghi; Hilltop Circle L. Ranch; James  
M. Paiva; James R. Lewis Orchards Inc.; John  
Wynn; Minturn Almond Huller Co-op, Inc.;  
North State Hulling Co-op, Inc., Pacific Almond  
Co.; Paramount Farms, Inc.; Paramount Farming  
Company; Parreira Almond Processing Co.; Peter  
D. Peterson; Stewart and Jasper Orchards; South  
Valley Farms; Strain Orchards; The Hulling  
Company, Inc.; TM Duche Nut Co. Inc.; Vernon  
Paddack; West Valley Huling/Barry Baker; Xcel  
Shelling, LLC.,

Complainants,

vs.

Pacific Gas and Electric Company and DOES 1  
through 100, inclusive,

Defendants.

Case 04-01-020

**ADMINISTRATIVE LAW JUDGE'S RULING  
SETTING A PREHEARING CONFERENCE, ORDERING THE PARTIES  
TO MEET AND CONFER AND COMMENCE DISCOVERY AND  
REQUIRING THE FILING OF A JOINT CASE MANAGEMENT  
STATEMENT AND STIPULATION**

This ruling sets a prehearing conference (PHC) for March 4, 2004 at 2:00 p.m. at the Commission Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California.

The parties shall immediately commence any necessary discovery and shall meet and confer regarding the issues specified in this ruling. Parties shall also file and serve a joint case management statement and any stipulation reached regarding factual issues by no later than February 26, 2004.

This ruling also requires the parties to serve and accept service of documents by e-mail, with certain exceptions. Parties shall serve the Assigned Commissioner and Administrative Law Judge (ALJ) by paper and e-mail.

### **Background**

On January 21, 2004, the above complainants filed a complaint against Pacific Gas and Electric Company (PG&E) in this proceeding. Complainants are almond hullers, whose electricity charges are currently billed under PG&E's commercial electric rate schedules. The complaint alleges that on or around August-October 2003, Complainants asked PG&E to serve their almond hulling operations under PG&E's agricultural electric rate schedules, and that in approximately December 2003, PG&E denied their requests. Complainants therefore seek a Commission order requiring PG&E to serve their almond hulling operations under PG&E's agricultural rate schedules and to issue a refund for the difference between the amounts paid by Complainants pursuant to PG&E's commercial electric rate schedule and the lesser amounts that would have been charged under PG&E's agricultural rate schedule, for the period beginning on the date of Complainants' requests for service under an

agricultural rate schedule and the date of the Commission's order.

Complainants also seek pre- and post-judgment interest on the requested refund.

On January 29, 2004, the Docket Office of the Commission served Instructions to Answer on PG&E by certified mail. PG&E must file and serve its answer by no later than March 1, 2004.

### **Prehearing Conference**

In accordance with the direction of the Assigned Commissioner, a PHC is hereby scheduled for March 4, 2004 at 2:00 p.m. The purpose of the PHC is to identify relevant issues, address procedural matters, and develop a schedule for the proceeding. If necessary, an evidentiary hearing will be held at a date set at the PHC.

### **Categorization of Proceeding**

This proceeding has been categorized as adjudicatory. Therefore, unless a party successfully appeals this categorization pursuant to Rule 6.4, ex parte communications are prohibited. In addition, in order to meet the requirements of Senate Bill 960, this proceeding must be closed by no later than 12 months after the date of the filing of the complaint.

### **Meet and Confer/Joint Case Management Statement**

In order to expedite this proceeding, the parties shall immediately meet and confer regarding identification of any disputed legal and factual issues, possible development of a stipulation regarding the relevant facts, and a suggested schedule for the proceeding. Upon review of the complaint, it appears that hearings may be unnecessary, because the issues primarily involve tariff interpretation and damages, and the parties may be able to stipulate to the relevant facts. We therefore encourage the parties to discuss the possible

resolution of this case without a hearing through the use of a stipulation and briefing.

The parties shall file a joint case management statement, which addresses the following issues, by no later than February 26, 2004:

- The status of any settlement discussions;
- The status of any necessary discovery;
- Any legal and factual issues that each party wants the Commission to decide;
- The need for an evidentiary hearing, and if so, a proposed hearing date, the number of hearing days required, and the number of witnesses that each party plans to call;
- A proposed schedule for the proceeding.

If the parties are able to stipulate regarding factual issues, the stipulation shall also be filed by no later than February 26, 2004.

In order to resolve this matter within 12 months, the Commission currently plans to hold any necessary evidentiary hearings by April 2004.

### **Commencement of Discovery**

In order to expedite this proceeding, the parties shall immediately commence any necessary discovery and attempt to complete all discovery by the date of the PHC. If discovery disputes that cannot be informally resolved by the parties arise before the PHC, please contact the assigned ALJ Myra J. Prestidge, by e-mail addressed to tom@cpuc.ca.gov or by phone at (415) 703-2629, and a conference call will be scheduled.

### **Electronic Service**

All appearances in this proceeding that have an e-mail address shall serve documents in this proceeding by e-mail and accept service of service by e-mail, in lieu of service by paper mail. Any appearance or state service participant who has not provided an electronic mail address shall serve and take service by paper mail, pursuant to Rule 2.3(a).

All appearances shall serve the Commission, including the assigned ALJ and Commissioner, by both e-mail and paper mail.

This ruling does not change the rules for filing documents with the Commission Docket Office. Documents for filing must be submitted to the Docket Office in paper form, as described in Rule 2, et seq.

### **Electronic Service Protocols**

A sender may serve a document by e-mail by attaching the document to a note. The subject of the note accompanying the document should include the proceeding number and identify the party sending the document and the document being sent. The note must also identify the word processing programs used for the document. Documents saved and sent in Microsoft Word 6.0 are readily opened by most recipients.

If a document served by e-mail is returned to the sender, or the recipient indicates that it cannot open the document, the sender shall immediately serve the recipient by facsimile or, if either the sender or recipient does not have access to a facsimile machine, by paper mail.

### **Accessing Up to Date Electronic Mail Addresses**

The current service lists for active proceedings are available on the Commission's web page, [www.cpuc.ca.gov](http://www.cpuc.ca.gov). Choose "service lists" on the "Quick Links" bar. The service list for this proceeding can be located in the

“Index of Service Lists” by scrolling to the application number. To view and copy the electronic addresses for a service list, download the comma-delimited file, and copy the column containing the electronic addresses. The Commission Process Office periodically updates service lists to correct errors or to make changes as requested by parties and other appearances on the list. Appearances should copy the current service lists from the web page (or obtain a paper copy from the Process Office) before serving a document.

**Commission Public Advisor’s Office**

Parties and members of the public who have questions about Commission procedures may contact the Commission Public Advisor’s Office in San Francisco by phone at (866) 849-8390 or (415) 703-2074 or by e-mail addressed to [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov). The Commission Public Advisor’s Office in Los Angeles may be reached by phone at (866) 849-8391 or (213) 576-7055 or by e-mail addressed to [public.advisor.la@cpuc.ca.gov](mailto:public.advisor.la@cpuc.ca.gov).

**IT IS SO RULED.**

Dated February 3, 2004 at San Francisco, California.

/s/ MYRA J. PRESTIDGE

Myra J. Prestidge  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Setting a Prehearing Conference, Ordering the Parties to Meet and Confer and Commence Discovery and Requiring the Filing of a Joint Case Management Statement And Stipulation on all parties of record in this proceeding or their attorneys of record.

Dated February 3, 2004, at San Francisco, California.

/s/ ELIZABETH LEWIS  
Elizabeth Lewis

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.